

Remarks of Supervisor Bill Campbell
August 19, 2003
Orange County Board of Supervisors Meeting
Appeal of Planning Application 02-0022 and certification of EIR 587

Thank you, Mr. Chairman. Colleagues, this is an item brought to this Board on appeal from the Planning Commission.

On June 25, 2003, the Planning Commission certified EIR 587 and approved a planning permit for the applicant, CCRC Farms, who wishes to build 12 homes on approximately 68 acres in Silverado Canyon, on the former Holtz Ranch property. The Holtz Ranch Preservation Group and others have appealed that decision.

Mr. Chairman and colleagues, I have been very actively involved in the discussions about Holtz Ranch. I was elected on January 28, 2003. The very next day - January 29 - I attended a community meeting at the Silverado Community Center to hear a presentation by the landowner's representatives on the proposed development. I attended a second meeting in February. I have received numerous emails and letters in opposition and in support of the proposal. I attended a portion of the lengthy Planning Commission hearing in June. I have reviewed the appeal document and the Planning Department's response. I have met with the appellants, with the property owner's representatives, and with County staff. In fact, I put on my boots and blue jeans and visited the site yesterday. I am very familiar with what has been presented thus far, but today's public hearing is sure to yield more information. Therefore, I will reserve my comments until this public hearing is over.

Mr. Speegle, I have some questions of staff. As appropriate, please feel free to call on your staff members to answer them.

First, how would you characterize the stability of earth on the upper slopes that surround the proposed home sites? Besides the planned catch basins, what other techniques could have been used to protect the homes?

Second, I notice that the tree preservation program calls for the replacement of non-native trees on a one-to-one ratio with "trees of various types." Are these *native* trees "of various types"?

Third, curbs and gutters are not considered appropriate for rural roads in the Sil-Mod Plan. Why are "rolled curbs" planned for the private street?

Ms. Hoffman, leaving meetings at night in Silverado Canyon, it's so dark that I've had trouble finding my car in the parking lot across the roadway. That darkness contributes

to the feeling of remoteness and to the ambiance of the canyons, and I think it's widely appreciated. My hometown of Villa Park is also dark at night, and it's because the city's founders wanted to preserve the rural atmosphere there by prohibiting street lighting. Would you accept a revised condition that clearly prohibits streetlights, so-called "bollard lighting," and tennis court lighting, except lighting that may be required by the Fire Authority?

Would you accept tinting the concrete v-ditches and grouted riprap to correspond to the natural color of the soil?

I think it's important that the visual impact of the slope grading be addressed as quickly as possible after the grading occurs. Would you object to replanting the graded slopes with native vegetation as soon as it's deemed safe to do so?

Several canyon residents have expressed concern over the gate at the entrance to the project. It's also a concern of mine. Would you be willing to eliminate the entrance gates from your plans?

Thank you, Mr. Chairman. I would like to thank all whom I've met with on this subject - the appellants, the applicant, Planning staff - for the very civil and very professional manner in which they informed me on the intricacies of this project.

When I ran for this office, I said I wanted to be sure that development is done consistent the Sil-Mod Specific Plan during my tenure as Third District Supervisor. So I will spend most of my time speaking about the project *vis-à-vis* the Sil-Mod Plan. Here is a copy of it.

I believe that the reduction from 340 homes in a Sil-Mod Plan-authorized "Planned Community" development to 12 homes better fits the rural nature of Silverado Canyon and is in fact lower than the criteria of the Sil-Mod Plan or A-1 zoning for the 68 acres, which authorizes 68 homes.

Since housing density is not an issue, the principal concern raised in the appeal is grading beyond the limitations cited on pages 1 and 2 of the Sil-Mod Plan. But also on page 1 is the statement: "Only in cases where the public safety and welfare are issues, and/or where site conditions dictate a design which better fits the goals and policies of the Specific Plan will one or more of these development guidelines be exempted." Further, in the "Geologic Hazards" section of the Plan, on page 7, guideline number 7 reads: "For areas which have been identified as having hazard potential...the developer/subdivider should demonstrate the feasibility of mitigation measures to the satisfaction of County agencies." Thus, the establishment of the debris catch basins on 45-degree slopes with an average of 12 feet over the 10-foot cut-and-fill limitation of the Sil-Mod Plan is necessary for the safety of the homeowners. It is a better approach, and one that is less damaging than re-compacting the entire upper slopes.

While I mention the debris catch basins, it should be pointed out that some of the upper slopes will be modified, but every attempt is being made to have these modifications

blend in with the slope lines. Thus, it will not have the appearance of a flat, manufactured slope.

The 2-3 feet of average excess grading over the 10 feet cut-and-fill limitation a few times on the building pads is needed to provide adequate space for septic systems and to guide water runoff to the street to be directed to the first flush basins. The 3-to-4 feet of average cut or fill in excess of the 10 feet in 2 locations on street grades are needed to meet Fire Authority safety requirements. This meets the "where feasible" requirements of the Sil-Mod Plan grading requirements for streets.

The amount of earth moved on the site - with no export or import, I should note - seems high. But the quality of the soil in the pad area requires compaction and thus almost doubles the amount of grading required.

There are two streambeds on the property. Early grading plans were modified so as not to impact these streams. The upper 1/3 of the westerly stream requires plaster-set riprap because of flows directed from the upper slopes to protect from mudslides. This directed water actually enhances the riparian nature of the streambeds. Thus, I believe the plans meet the Sil-Mod requirements on page 6.

I believe the property owner has met the intention of the Sil-Mod Plan by dedicating approximately 29 of the 68 acres as a scenic easement and, in addition, the landowner is donating 46 acres outside this project, an area known as "The Riviera," to the County. This land will be leased to and maintained by the Silverado-Modjeska Parks and Recreation District for open space and trails.

The landowner has met the visual requirements of the Sil-Mod Plan with the scenic easements, the grading on the lower "bowl" areas except for the catch basins, and the landscape plan.

I think the willingness of the landowner to accept my proposals regarding the bollard lighting and the tinting of the v-ditches and riprap shows his willingness to keep the rural character of this development.

The issue of this being a "gated community" was raised in several emails I received and was one of my own concerns. The Sil-Mod Plan does not mention gates, but I believe that a multiple-home, gated development is not conducive to maintaining the rural character of the canyons. And I am pleased that the applicant was more than willing to remove the gates from the proposal.

The issue of what the landowner will do with his remaining 200 acres has been raised by the appellants. Certainly, one thing he won't be able to do is build the 340-unit "Planned Community" that is acceptable in the Sil-Mod Plan. The proposed development of these 68 acres eliminates this possibility. The Sil-Mod Plan authorizes up to 23 homes to be built on the remaining property, but the steepness of the terrain suggests that a much lower number would be more likely. The landowner says he has no plans for the remaining property at this time. We have no choice under CEQA but to accept this statement. If he should come back to the County in the next six months or a year with proposed plans, I would have to seriously question the EIR.

The appellants are also concerned for the cultural resources and the adequacy of the site studies. Two different firms, one of which was recommended by an appellant, reviewed the site. A probable sandstone milling feature is located on Lot 1 in the scenic easement area. It will not be impacted by the site development work. Chairman Damien Shilo of the Juaneño Band of Mission Indians was concerned with some cave sites on the property, so with the permission of the landowner, I visited the site yesterday with Richard Carrico, an archeologist with Mooney and Associates, the recommended firm I just referred to. Could you please show the slides now? I climbed to the probable milling feature and to three caves. I saw no artifacts, paintings or tell-tale signs of smoke in the caves. I noted that the caves were too small for an individual to stand in. I did find the business card of the other archeological research firm. I am not an expert but I did want to honor my commitment to the tribal chairman. It should be noted that the landowner has agreed to have on-site a trained archeologist and a Native American to monitor grading operations.

The appeal also cites many concerns with the DEIR and Final EIR. I believe staff have adequately responded to the issues raised regarding the California Environmental Quality Act.

This EIR process has been a yearlong activity, one that was started by the circulation of a Notice of Preparation in August 2002. The CEQA process provides for "scoping meetings" in which interested parties may express their thoughts about general project concepts at the very earliest stages of development - and, indeed, they may request that specific issues be addressed in the Environmental Impact Report for the project. Such discussions between the appellant and the applicant might have avoided today's public hearing, which has drawn people away from their jobs. But to my knowledge, those discussions did not occur. Instead, we have a case of "CEQA by ambush" in which at the very latest stages of development, appellants have given us an appeal and - at least in my case - a request to delay our vote here today in order that the appellants and the applicant might reach a consensus. Because there was no willingness to work together at the outset to avoid protracted and costly hearings, it is hard for me to delay this vote at this late date.

Therefore, Mr. Chairman, I move the recommended action to:

- Deny the appeal and uphold Planning Commission approval of Site Development Permit PA 02-0022 for Silverado Canyon Ranch, and to
- Adopt the resolution denying the appeal, certifying EIR 587 and upholding Planning Commission approval of Site Development Permit PA 02-0022.
- With the following additional conditions, that:

1. To further reduce any potential visual impacts of the project, the applicant shall be required to tint concrete v-ditches and any grouted riprap to correspond to the natural color of the soil.

2. REVISED LANGUAGE FOR MITIGATION MEASURE 8.4: "Street lighting, including 'bollard'-type lighting, shall be prohibited and no overhead lighting of tennis courts shall be permitted, except safety or identification lighting as may be required by the Manager, Subdivision and Grading Services."

3. Erosion protection and slope landscaping shall commence as soon as determined by the Building Official such planting is safe and practical after site rough grading operations. The planting shall be installed, fully germinated and effectively cover the required slopes with native vegetation prior to acceptance by the Building Official.
4. There shall be no gates at the project entry plaza; however, gates may be allowed on individual lots.
5. Non-native trees will be replaced on a one-to-one ratio with native trees.